

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	4:91CR3066
)	
Plaintiff,)	
)	MEMORANDUM
vs.)	AND ORDER
)	
WILLIAM COADY,)	
)	
Defendant.)	

This matter is before the court for initial review of the Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (“§ 2255 motion”) filed by the defendant, William Coady (“Coady”), on March 2, 2005 (filing 50).¹ Also pending are a motion to proceed in forma pauperis (filing 51) and a motion for appointment of counsel (filing 53).

Coady entered a plea of nolo contendere to one count of conveying false information (i.e., a bomb threat) and on September 27, 1993, was sentenced by the undersigned to a term of 8 months imprisonment followed by 3 years of supervised release. Coady was found to have satisfied the 8 month sentence, so supervised release began immediately. However, on October 28, 1993, supervised release was

¹ Rule 4(b) of the Rules Governing Section 2255 Proceedings for the United States District Courts provides:

The judge who receives the motion must promptly examine it. If it plainly appears from the motion, any attached exhibits, and the record of prior proceedings that the moving party is not entitled to relief, the judge must dismiss the motion and direct the clerk to notify the moving party. If the motion is not dismissed, the judge must order the United States attorney to file an answer, motion, or other response within a fixed time, or to take other action the judge may order.

revoked and the undersigned resentenced Coady to 11 months in prison followed by 2 years of supervised release. It was recommended that Coady be placed in the United States Medical Center for Federal Prisoners at Springfield, Missouri, where he had previously been treated.

Coady's § 2255 motion indicates that he is still confined at the Springfield Medical Center, apparently as the result of a commitment hearing that was held in approximately December 1994, pursuant to 18 U.S.C. § 4246. This court has no record of that proceeding, but, according to Coady, the presiding judge was the Honorable James C. England, United States Magistrate Judge for the Western District of Missouri.

The claims raised by Coady's § 2255 motion pertain solely to the December 1994 commitment hearing and to his continuing confinement at the Springfield Medical Center. That is to say, Coady does not challenge either his conviction or sentence. It thus plainly appears that Coady is not entitled to relief in this court, and, accordingly, his § 2255 motion will be summarily dismissed.

IT IS ORDERED:

1. The defendant's § 2255 motion (filing 50) is dismissed;
2. The defendant's motion for leave to proceed in forma pauperis (filing 51) is denied;
3. The defendant's motion for appointment of counsel (filing 53) is denied; and
4. Judgment shall be entered by separate document.

DATED: May 4, 2005.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge